

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHRISTOPHER RAMBSEL  
PLAINTIFF

v.

CACTUS DRILLING CO., L.L.C.  
DEFENDANT

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CIVIL ACTION

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**PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND**

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Comes now Plaintiff, Christopher Rambsel, complaining of Defendant, Cactus Drilling Co., L.L.C. to seek redress for Defendant's unlawful employment practices based on Plaintiff's workers' compensation claim and for cause of action would show the Court and jury as follows:

**PARTIES**

1. Plaintiff, Christopher Rambsel ("Mr. Rambsel"), is an individual that is a citizen of the State of Texas, residing at 229 CR 2940 Wood County, Alba, TX. 75410.
2. Defendant, Cactus Drilling Co., L.L.C. ("Defendant"), is a corporation that is incorporated under the laws of the State of Oklahoma. Defendant has its principal place of business in the State of Oklahoma. Defendant may be served with process by serving its registered agent, Frederic Dorwart, at 124 E. 4th St., Tulsa, OK 74103.

**JURISDICTION & VENUE**

3. This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1332(a)(1),(c)(1), because Mr. Rambsel and Defendant are citizens of different states and the amount in controversy exceeds \$75,000, excluding interest and costs. Mr. Rambsel is a citizen of Texas. Defendant is corporation incorporated in Oklahoma with its principal place of business in Oklahoma.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391 (a)(1) and/or (a)(2). Defendant is a corporation that was doing business, and, therefore, was residing, in this district, since it is subject to personal jurisdiction here at the time the suit is filed. 28 U.S.C. § 1391 (c). Defendant has purposefully availed itself of the benefits and protections of Texas laws by creating minimum contacts in this district. In addition, a substantial part of the events or omissions giving rise to this claim occurred in this district.

5. All conditions precedent to Mr. Rambsel filing this suit, prescribed by statute or otherwise, have occurred or been complied with.

### **FACTS**

7. Defendant is a mid-size domestic land drilling contractor. Mr. Rambsel was hired by Defendant on April 10, 2008 to work as a derrick hand at their well site in Fort Worth, Texas. Before his morning shift on September 23, 2010, Mr. Rambsel was injured on the job. Between the time of the injury and the time he was able to see a doctor, Mr. Rambsel's injury became infected and developed cellulitis. The doctor was not able to stitch the laceration due to the infection.

8. Mr. Rambsel's work schedule had him working seven days on, with the following seven days off. Mr. Rambsel was injured on the job. Mr. Rambsel reported his on the job injury to his supervisor, who told him to take the rest of his seven-day shift off to take care of his injury.

9. Before leaving, Mr. Rambsel spoke with the supervisor to get the worker's compensation claim process started. Before he left the job site as directed by his supervisor, Mr. Rambsel had reassurance from his supervisor that the appropriate people would be notified, the appropriate documents filed, and that Mr. Rambsel would be compensated for his on-the-job injury.

11. Later, Mr. Rambsel had a conversation to follow up on the incident. Prichard inquired about Mr. Rambsel's condition and stated that the worker's compensation papers and reports had been filed.

12. However, on November 4, 2010, Defendant terminated Mr. Rambsel's employment.

**COUNT 1 – WORKERS’ COMPENSATION RETALIATION**

13. Mr. Ramsel re-alleges and incorporates by reference all allegations set forth by paragraphs 1 through 12.

14. Mr. Ramsel had accepted work from and was an employee of Defendant from April 2008 to his wrongful termination in November 2010.

15. Defendant is a subscriber under the Texas Workers’ Compensation Act.

16. Defendant is a “person” as defined in the Code Construction Act since Defendant is a corporation. Tex. Lab. Code §1.002; Tex. Gov’t Code §311.005(2).

17. Mr. Ramsel caused to be instituted a workers’ compensation proceeding in good faith by reporting and taking steps towards filing a claim. Tex. Lab. Code §451.001(3).

18. Defendant directly discharged Mr. Ramsel on November 4, 2010.

19. Defendant would not have discharged Mr. Ramsel but for his involvement in the workers’ compensation claim.

20. Defendant acted with actual malice by discharging Mr. Ramsel on November, 4, 2010.

21. Because of Defendant’s actions, Mr. Ramsel is entitled to actual damages in the form of economic damages and mental anguish, exemplary damages, court costs and interest. Tex. Lab. Code §451.002(a). Mr. Ramsel is also entitled to be reinstated to his former position. Tex. Lab. Code §451.002(b).

**PRAYER**

22. WHEREFORE, PREMISES CONSIDERED, Mr. Ramsel prays that Defendant appear and answer herein, and that upon trial of this cause, Mr. Ramsel have judgment against Defendant for the following relief:

- a) back pay and front pay including all lost wages and employment benefits;
- b) compensatory damages for future injuries to his reputation, pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of

life and other non-pecuniary losses for defendant's discriminatory acts set forth in counts one and two;

- c) prejudgment and post-judgment interest at the legal rates;
- d) exemplary damages in an amount to be determined by the jury;
- e) all costs of court; and
- f) such other and further relief, at law or in equity, to which Mr. Rambsel may be justly entitled.

### **Jury Demand**

23. Mr. Rambsel hereby demands a jury trial as to all issues that may be determined by a jury.

Dated: September 8, 2011

Respectfully submitted,

*/s/ Rosemary Sage Jones*

ROSEMARY SAGE JONES

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